

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

REGINALD STUCKEY,	:	
	:	Civil Action No. 4:CV-05-2354
Plaintiff,	:	
	:	
v.	:	(Judge McClure)
	:	
TODD A. ROSS, et al.,	:	
	:	(Magistrate Judge Blewitt)
Defendants.	:	

ORDER

December 4, 2006

BACKGROUND:

On November 14, 2005, plaintiff Reginald Stuckey, an inmate at the York County Prison, York, Pennsylvania, filed a pro se civil rights action pursuant to 42 U.S.C. § 1983. Contemporaneously with the filing of his complaint, Stuckey filed an application to proceed in forma pauperis.

The matter was initially referred to United States Magistrate Judge Thomas M. Blewitt. On November 18, 2005, after an initial screening of the complaint, the magistrate judge issued an order directing plaintiff to file an amended complaint. He did so and the defendants filed an answer on March 14, 2006. The parties then began discovery.

On November 6, 2006, plaintiff filed a one-page document entitled "Motion

for Withdrawal of Civil Action Claims Docket No. 4:05-CV-2354.” In this motion, he requests that the matter be withdrawn because he has been unable to obtain documents to prove his case against defendants.

On November 11, 2006, the magistrate judge issued a report recommending that the filing be construed as a Notice of Dismissal under Rule 41(a)(2) of the Federal Rules of Civil Procedure and that the case be dismissed without prejudice.

Because we agree with the magistrate judge’s recommendation and because the defendants have not objected, we will adopt the magistrate judge’s report and recommendation in full and dismiss the action without prejudice.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. United States Magistrate Judge Thomas M. Blewitt’s Report and Recommendation is adopted in full. (Rec. Doc. No. 45.)
2. The amended complaint is dismissed without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.
3. The clerk is directed to close the case file.

s/ James F. McClure, Jr.
James F. McClure, Jr.
United States District Judge